

* Great Brit. - George III



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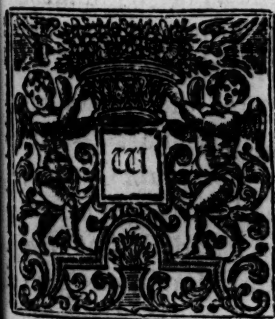
A N

Cap. 41.

A C T

F O R

Dividing and Inclosing the several Open Arable Fields, Meadows, Pastures, Carrs, and other Open and Common Grounds within the Township of *Lissett*, in the Parish of *Beeforth* otherwise *Beford*, in the East Riding of the County of *York*.



WHEREAS there are within the Manor Preamble and Township of *Lissett*, in the Parish of *Beeforth* otherwise *Beford*, in the East Riding of the County of *York*, Twenty-four Oxgangs of Land, and several odd Lands lying in Two open arable Fields called *The North Field* and *South Field*, containing together by Estimation Four hundred Acres or upwards; and also Two stinted Pastures, and several Parcels of Meadow Pasture and Carr Ground, and other commonable Lands called or distinguished by the several Names of

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The Old Pasture, New Pasture, Flatbolms, Clifton, and the Carrs, or by other Names, which are computed to contain together Six hundred Acres or thereabouts :

And whereas *Jonathan Midgley*, Esquire, is Lord of the said Manor of *Liffett*, and also Owner of Seventeen of the said Twenty-four Oxcgangs, besides several odd Lands called *Forby Lands*; *Hugh Bethell*, Esquire, is the Owner of other Four of the said Oxcgangs, and the remaining Three of the said Twenty-four Oxcgangs, and some odd Lands, are the Property of *John Rickaby*, Esquire; and they the said *Jonathan Midgley*, *Hugh Bethell*, and *John Rickaby* (together with *Richard Holder*, who is the Owner of about Two Acres of odd Lands lying in the *South Field*, and intituled also to a Cow-gate, or Pasture for One Cow in the said new Pasture) are the sole Proprietors, as well of all the Lands lying within the said Two open and common Fields, as also of the said several Pastures and Parcels of Meadow, Pasture, and Carr Ground, and all other the open and commonable Lands within the said Township which are stinted and stocked or otherways held and enjoyed by the said several Proprietors, in Proportion to the Number of the said several Oxcgangs of Land whereof they are severally Owners as aforesaid, no other Person having any Right or Property therein, or in any other Lands within the said Township, save only and except the Rector of *Beeforth* otherwise *Beford* aforesaid for the Time being in respect of the Tithes thereof, as hereafter is mentioned :

And whereas the most Reverend Father in God *Robert* by Divine Providence Lord Archbishop of *York*, in Right of his said See, is Patron of the Rectory of *Beeforth* otherwise *Beford* aforesaid; and the Reverend *Samuel Dennis*, Clerk, is the Rector of the said Rectory, and as such intituled to all the Tithes of Corn, Grain, Hay, Wool, and Lamb, and all other Tithes of what Nature or Kind soever coming, growing, arising, or renewing within the said Township of *Liffett* and Parish of *Beford* aforesaid, as well in the said open Fields, Meadows, Pastures, and other Grounds intended to be hereby inclosed, as within the several old Inclosures there, except the Tithe Hay arising from that Part of the *Flatbolms* called or distinguished by the Name of *The plain Ground*, which does not appear ever to have been ploughed; and also except the Tithe of Hay arising within the said Two Fields called *The North Field* and *South Field*, for which a certain Modus of Two Pence an Oxcgang in Lieu of Tithe Hay in the said *North Field*, and another Modus of Four Pence an Oxcgang in Lieu of Tithe Hay

Hay in the said *South Field*, hath been constantly and immemorially paid to the Rector of *Beeforth* otherwise *Beford* aforesaid for the Time being:

And whereas the several Lands of the said Proprietors in the said open Fields and Pastures lie intermixed and in small Parcels, and the said several Pastures, Meadows, Carrs, and other commonable Grounds are in many Parts thereof infected and over-run with Whins or Furze, and other Parts thereof, for want of proper Cuts or Drains to carry off the Water, are liable in wet Seasons to be overflowed and greatly damaged with Water, so that in their present State they are incapable of much Improvement; and although the dividing and inclosing of the said open Fields, Meadows, Pastures, Carrs, and other common Grounds would be of publick Utility, and a manifest and considerable Benefit to the several Persons interested therein;

Yet the same cannot be accomplished or effectually carried into Execution without the Aid and Authority of Parliament;

May it therefore please your M A J E S T Y,

That it may be **Enacted; And be it Enacted**, by the KING's Commissioners. Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Simpson* of *Hedon*, in the County of *York*, Gentleman, *Michael Ayke* of *Garton*, in the same County, Gentleman, and *Thomas Milner* of *Gransmoor*, in the same County, Gentleman, and their Successors, to be elected in Manner herein after-mentioned, or any Two of them, shall be and they are hereby appointed Commissioners for the setting out, dividing, apportioning, and allotting the said open arable Fields, Meadows, Pastures, Carrs, and other common Grounds, and for putting this Act in Execution, in the Manner and subject to the Rules, Orders, and Directions herein-after established and prescribed.

Provided always, and be it Enacted, by the Authority Commissioners and Surveyor to be sworn. aforesaid, That no Person shall act as a Commissioner or Surveyor for any of the Purposes of this Act (except in administering the Oath herein after-mentioned, and giving Notice of the First Meeting of the said Commissioners in pursuance of this Act) unless he shall

shall first take and subscribe an Oath to the Effect following (that is to say) :

I A. B. do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the several Powers and Trusts reposed in me as a Commissioner (or Surveyor) by virtue of an Act "for Dividing and Inclosing the several " Open Arable Fields, Meadows, Pastures, Carrs, and other Open and " Common Grounds within the Township of Liffett, in the Parish of " Beeforth otherwise Beford, in the East Riding of the County of " York," without Favour or Affection to any Person whomsoever.

Which Oath any One of the said Commissioners is hereby authorized and required to administer to any other of them, and to the Surveyor; and the said Oath so taken and subscribed by each Commissioner and Surveyor shall be inrolled at the same Time and Place as the Award herein after-mentioned to be made is directed to be inrolled.

Survey.

And for the more just and equal Division, Allotment, and Distribution of the several Lands and Grounds intended to be divided and inclosed as aforesaid, and for the better ascertaining the same, **It is further Enacted and Declared**, by the Authority aforesaid, That the said Commissioners, or any Two of them, shall (within Four Calendar Months next after the Passing of this Act, or as soon after as conveniently may be) cause a true, exact, and perfect Survey and Admeasurement to be made by such Person or Persons as they, or any Two of them, shall appoint; and such Survey and Admeasurement shall be reduced into Writing, and shall contain the Number of Acres, Roods, and Perches belonging to each Proprietor in the said Fields, Meadows, Pastures, Carrs, and Grounds, and shall be produced and delivered in before the said Commissioners, or any Two of them, within Four Calendar Months next after the Passing of this Act as aforesaid, or as soon after as conveniently may be, at any of their Meetings to be held in pursuance of this Act, and shall be verified by the Oath of the Surveyor or Surveyors who shall have made the same; which Oath or Oaths the said Commissioners, or any Two of them, or their Successors, to be elected in Manner herein after-mentioned, are hereby required and authorized to administer.

Commissioners and Surveyors may

And be it further Enacted, That the said Commissioners and the Surveyor, together with their and every of their Assistants,

stants, Servants, and Persons employed by them, shall have enter and view the Land and they are hereby vested with full and free Power and Authority at any Time or Times whatsoever to enter into, view, and examine, survey and admeasure (for the Purposes of this Act) as well the Fields, Lands, and Grounds hereby directed to be divided and inclosed, as also the said ancient inclosed Lands within the Township of *Lissett*, in the Parish of *Beeforth* otherwise *Beford* aforesaid.

And be it further Enacted, That the said Commissioners, or any Two of them, shall give or cause to be given publick Notice in the *York Courant*, and also by a Writing to be affixed upon the Chapel Door at *Lissett* aforesaid, of the Time and Place of their First Meeting for the Execution of this Act, at least Ten Days before such Meeting shall be had, and shall afterwards give the like Notice of their Second Meeting, and all subsequent Meetings shall be appointed in such Manner as the said Commissioners, or any Two of them, shall direct, Commission- ers to give Notice of their Meet- ings.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or any Two of them, shall and they are hereby required and authorized, as soon as conveniently may be after the said Survey shall have been delivered in as aforesaid, in the First Place to assign, allot, and appoint unto and for the said *Samuel Dennis* and his Successors, Rectors of *Beeforth* otherwise *Beford* aforesaid, such Parcel or Parcels of the said Lands and Grounds so intended to be inclosed as (Quantity, Quality, and Situation considered) shall in the Judgment of the said Commissioners, immediately after the Inclosure thereof, be a full Equivalent and Compensation for all the said Rector's Tithes of Corn, Grain, Hay, Wool, and Lamb, and all other Tithes, Dues, Duties and Payments, of what Nature or Kind soever, arising, renewing, increasing, or payable, or which should or might arise, renew, increase, or become payable, as well for or within the said Fields, Lands, and Grounds hereby directed to be inclosed, as also for or within all the antient inclosed Grounds of the said Township of *Lissett*, they the said Commissioners in making such Allotments to and for the said Rector having a due Regard to and Consideration of the said several Fields and Grounds so intended to be inclosed, wherein the said several Moduses are payable in Lieu of Tithe Hay as aforesaid; and then the said Commissioners, or any Two of them, shall assign, set out, allot, and appoint unto and for the said *Jonathan Midgley*, *Hugh Bethell*, *John Rickaby*, and *Richard Holder*, their Heirs and Assigns respectively, all the Residue and Remainder of the said Fields, Lands, to be allotted to the Rector in Lieu of Tithes. Allotments to the other Proprietors.

Lands, and Grounds hereby intended to be inclosed, in such Quantities, Shares, and Proportions, and in such Parts and Places, as by the said Commissioners, or any Two of them, shall be adjudged and determined to be a Compensation and Satisfaction for and equal to their several and respective Lands, Grounds, Beast Gates, or Pasture Gates, and other their Rights and Interests therein.

Commissioners to have regard to Quality and Situation.

Provided always, That in making the said Division and Allotments the said Commissioners shall have due Regard to the Quality and Situation as well as the Quantity of the Lands and Grounds so to be divided and allotted as aforesaid, and particularly to the Situation and Contiguity of the same to any other Lands or Grounds of the several Proprietors to or for whom such Lands and Grounds shall be respectively allotted as aforesaid; and if any Dispute or Difference shall arise between the said Parties concerning the respective Shares or Proportions which they or any of them ought to have in any of the said Fields, Pastures, Lands, or Grounds directed to be inclosed as aforesaid, it shall and may be lawful for the said Commissioners, or any Two of them, and they are hereby required, upon Examination of Witnesses upon Oath (which Oath the said Commissioners, or any Two of them, are hereby empowered to administer) and upon other proper and sufficient Evidence, to hear and finally determine the same; which Determination shall be binding and conclusive to all Parties interested in the said intended Inclosure.

Rector's Allotments to be Ring-fenced for the First Time.

Provided always, and be it Enacted, by the Authority aforesaid, That when the said Fields and Grounds so to be divided as aforesaid shall be set out, ascertained, and allotted by the said Commissioners as aforesaid, the several Parts and Shares thereof that shall be allotted, set out, and ascertained to and for the said *Samuel Dennis* and his Successors, Rectors as aforesaid, shall for the First Time be divided and inclosed with an outward Fence, and set with Posts and Rails, and planted with Quick Wood in such Manner as the said Commissioners, or any Two of them, shall (in and by their Award or Instrument herein-after directed to be made) order and appoint, at the common Charge of all the other Proprietors in the said Township, in Proportion and according to the Value of their respective Allotments, to be settled by the said Commissioners, or any Two of them; and that all such Fences shall for ever afterwards be repaired and maintained by the said *Samuel Dennis* and his Successors, Rectors as aforesaid, his or their Lessee or Assigns, in such Manner as the said Commissioners, or any Two of them, by their said Award shall direct and appoint.

And

And be it further Enacted, by the Authority aforesaid, That the Lands and Grounds to be assigned and allotted by virtue of this Act unto and for the several Persons who by virtue of this Act shall, upon the Execution of such Award or Instrument as aforesaid, be intitled to the same, shall be and are hereby vested in them respectively, in full Bar of and Satisfaction and Compensation for the respective Lands, Hereditaments, Common Right, and other Rights, Properties, and Interests whatsoever in, over, and upon the said open Fields, Meadows, Pastures, Commons, Carrs, and Grounds which he, she, or they respectively had therein before the Passing of this Act, or immediately before the said Allotments made; and that from and immediately after the making of the said Division and Allotments, and the Execution of the said Award or Instrument, of such Tenor and Purport as herein after is directed, or as soon after as the said Commissioners, or any Two of them, shall by virtue of such their Award or Instrument appoint, all Tithes of Corn, Grain, Hay, Wool, and Lamb, and all other Tithes, Dues, and Duties whatsoever (Mortuaries and Surplice Fees only excepted) from thenceforth to arise or accrue within the said Fields, Meadows, Pastures, Commons, Lands, and Grounds hereby directed to be inclosed, and also within the said antient inclosed Grounds, and all Moduses, Compositions, and annual or other Payments whatsoever in Lieu of such Tithes, or any of them heretofore due and payable to the said *Samuel Dennis* as Rector (except only as is before excepted) and also all Right of Common or Average, and other Right of Common whatsoever in, over, and upon all and every the said Lands and Grounds, shall cease, determine, and be for ever extinguished.

The several Allotments to be in Lieu of all former Property.

And be it further Enacted, by the Authority aforesaid, That such Shares, Parts, Proportions, and Allotments of the said Lands and Grounds, as shall be so set out by the said Commissioners, shall be binding and conclusive to all and every of the said Proprietors of the said Lands and Grounds, and Persons interested therein, their and every of their Heirs, Successors, Executors, Administrators, and Assigns respectively, and shall be respectively accepted by them; and that each and every of the said Proprietors of the said Lands and Grounds, and Persons interested therein, shall and may hold and enjoy his, her, and their Parts, Share, Proportion, and Allotment in Severalty, freed and discharged of and from all Manner of Tithes, Claim, and Right of Common whatsoever, and shall have the same or the like Estate and Interest in such his, her, and their Share, Part, Proportion, and Allotments so to be set and assigned as aforesaid, when allotted, as he, she, or they respectively had in the Lands, Tenements, or Common Right,

Allotments to be binding.

Right, in respect or instead whereof such Allotments are to be made, without any Claim, Title, or Disturbance to be made or given One to another by any of the Proprietors or Persons interested as aforesaid in the said Lands or Grounds so to be inclosed as aforesaid.

For choosing
Commission-
ers.

And be it further Enacted, by the Authority aforesaid, That if any One or more of the said Commissioners or the Surveyor nominated or appointed in or by this Act, or who shall have been elected in Manner herein after-mentioned, shall (before the Execution of all the Powers and Authorities hereby vested in them respectively) die or refuse to act, the surviving or remaining Commissioner or Commissioners shall and he or they are hereby authorized and required from time to time, by Writing under his or their Hand and Seal or Hands and Seals, within Three Calendar Months next after such Death or Refusal shall be known, to appoint One or more Commissioner or Commissioners or Surveyor, not interested in the said Division and Inclosure, instead of the Commissioner or Commissioners or Surveyor so dying or refusing to act; and every such Commissioner or Surveyor so to be appointed shall have the like Power and Authority to act in the Execution of this Act, as the Commissioner or Surveyor in whose Place he shall succeed is hereby vested with; which Writing or Writings shall be inrolled in such Manner as the said Award or Instrument is herein after directed to be inrolled.

Roads.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or any Two of them, shall have full Power and Authority, and they are hereby directed, as well to make, set out, and appoint, as to alter, vary, or discontinue in such Manner as the said Commissioners, or any Two of them, shall in their Discretion think fit, all Manner of publick Highways and Bridges, and all private Roads or Ways in, over, and upon, as well the said Lands and Grounds hereby directed to be inclosed, as the said antient inclosed Lands, which publick Highways shall not be of less Breadth than Sixty Feet of Assize between the Ditches; and also all such private Roads, Ways, and Foot-paths, Hedges, Ditches, Fences, Drains, Sewers, Banks, Cloughs, Engines, Bridges, Gates, and Stiles, and all other Requisites proper and necessary for all or any of the said Owners, or the Improvement of all or any of the said Lands and Grounds, and shall order, direct, and appoint how, by whom, and within what Time the same shall be made, maintained, cleansed, and repaired, and what Gaps or Openings shall be left for any, and what Time, for the Passage of Carts and Carriages

riages through the said Allotments, and shall also value, ascertain, and direct how much shall be paid to each Owner and Tenant respectively of any Part of the said Premises, for the Damage that shall be done by the making any Road, Ditch, Drain, Sewer, or other Requisite on any of the said Lands and Grounds, and how much shall be paid by the Tenants to the Landlords respectively, or for the standing of any Corn or Grain, or for the Tithes thereof respectively, or for the ploughing, sowing, manuring, or improving the Land for the growing of Corn or otherwise, and shall order, do, and execute all and every other Act, Matter, and Thing necessary or expedient for the perfecting the said Division and Inclosure, and the due Execution of this Act.

And be it further Enacted, That the said publick Highways and Bridges to be set out and made as aforesaid, from and immediately after the setting out thereof, and making or repairing the same by the said Commissioners, or any Two of them, in such Manner as they shall think necessary (and which they are hereby authorized and required to do) shall be repaired and kept in Repair in the same Manner as other publick Highways in the said Township of *Liffett* are by Law to be repaired and kept in Repair; and that the said private Roads, Ways, Foot-paths, Hedges, Ditches, Fences, Drains, Sewers, Banks, Cloughs, Engines, Bridges, Gates, Stiles, and other Requisites shall be made, and at all Times for ever after supported, repaired, and cleansed by the respective Proprietors of the Allotments to be made by virtue of this Act, in such Manner as the said Commissioners, or any Two of them, shall by their said Award direct or appoint; and that after the making of the said publick Highways and private Roads and Ways through the said Lands and Grounds as aforesaid, it shall not be lawful for any Person or Persons to use any other Roads or Ways, publick or private, either on Foot, or with Horses, Carriages, or Cattle; and that all former Roads or Ways, or so much thereof as shall not be set out by the said Commissioners, or any Two of them, as and for the Roads and Ways through the said intended Inclosures, shall be deemed Part of the Lands to be divided and inclosed, and shall be allotted accordingly as Part of such Lands.

For keeping
the Roads in
Repair.

And be it further Enacted, That it shall and may be lawful to and for the Rector of *Beford* aforesaid for the Time being, with the Consent of the Lord Archbishop of *York* for the Time being, to grant any Lease or Leases to any Person or Persons of the Lands and Grounds to be allotted to the said Rector by virtue of this Act, or of any Part or Parts thereof, for any Term

Rector to
grant Leases.

or Number of Years, not exceeding Twenty-one Years, and so as the said Rector do not receive any Fine, Fee, or Reward for the making or granting of any such Lease or Leases, and so as such Lease or Leases be not made punishable of Waste, and so as the Rent or Rents thereby to be reserved be made payable to the Rector of the said Rectory for the Time being and his Successors, and that the usual Powers of Re-entry for Non-payment of such Rent or Rents, and such other necessary Clauses and Covenants be contained therein, as are usually inserted in Leases, and so as the Lessee or Lessees in such Lease or Leases to be named do execute and deliver Counterparts of the same; any Law, Usage, or Custom to the contrary notwithstanding.

Award.

And be it further Enacted, by the Authority aforesaid, That within the Space of Three Calendar Months next after the said Commissioners, or any Two of them, shall have completed the several Allotments of the said Fields, Lands, and Grounds intended to be inclosed and allotted as aforesaid, or as soon after as conveniently may be, they the said Commissioners, or any Two of them, shall form and draw up, or cause to be formed and drawn up an Award or Instrument in Writing, which shall express the Quantity in Statute Measure of Acres, Roods, and Perches contained in the said Fields, Lands, and Grounds so intended to be inclosed and allotted as aforesaid, and the particular Quantity of each and every Part and Parcel thereof assigned and allotted to each and every of the Parties intitled to and interested in the same, with a Description of the Situation, Buttrals, and Boundaries of the same Parcels and Allotments respectively, and shall contain such Orders for fencing and inclosing the several Allotments hereby directed to be made, and supporting, maintaining, and keeping the new and old Fences of the same in Repair, and for making, laying, varying, and maintaining or discontinuing such Roads, Ways, Foot-paths, Bridges, Gates, Banks, Drains, Inlets, Outlets, and Watercourses, as they shall judge proper; and shall contain such other Orders, Regulations, and Descriptions as shall be thought proper and necessary to be inserted therein, according to the Tenor and true Meaning of this Act; which said Award or Instrument shall be fairly ingrossed, and written upon Parchment, and signed and sealed by the said Commissioners, or any Two of them, and shall, within Six Calendar Months next after the Execution thereof, be inrolled at the Publick Register Office established at *Beverley*, in the East Riding of the County of *York*, for the registering of all Deeds, Conveyances, and Wills affecting Lands in the said East Riding and Town

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Town and County of the Town of *Kingston-upon-Hull*, by the Register of the said Office, or his Deputy, who is hereby required to inroll the said Award or Instrument in the proper Book for inrolling of Bargains and Sales of Lands, and shall have the like Fees for inrolling the same as he is now intitled to receive for the inrolling of Bargains and Sales, and for the Copies thereof; a true Copy of which Inrolment, under the Hand of the said Register or his Deputy, shall be allowed as Evidence in all Courts of Law and Equity.

And be it further Enacted, by the Authority aforesaid, That the Charges and Expences attending the Obtaining and Passing this Act, and of the surveying, measuring, and dividing the Lands, Fields, and Grounds so intended to be divided and inclosed as aforesaid, and of fencing the said Lands to be allotted to the said *Samuel Dennis* and his Successors, Rectors as aforesaid, and the Charges and Expences of making, preparing, executing, and inrolling the said Award or Instrument, and the Expences of the Commissioners in or about the Execution of the Powers and Authorities hereby vested in them as aforesaid, and all other Charges and Expences occasioned by or incident to the said intended Inclosure and Division, shall be borne, paid, and defrayed by the Proprietors and Persons interested in the said Fields, Meadows, Pastures, Commons, Carrs, and Grounds hereby directed to be inclosed (except the said *Samuel Dennis* and his Successors, Rectors as aforesaid, who, in respect of the said Allotments hereby directed to be made in Lieu of the said Tithes, is and are to be totally exempt and exonerated thereof) either by an equal Rate upon every Acre of Land so intended to be divided and inclosed, according to the Value thereof, or according to the Number of Acres or Quantity of Land to be allotted to each Person respectively upon such Inclosure or Division, as by the said Commissioners, or any Two of them, shall be thought proper and reasonable, and shall, either before or after the Execution of the said Award or Instrument, adjust and ascertain; and in case any Person or Persons shall neglect or refuse to pay his, her, or their Proportion or Proportions so to be from time to time adjusted and ascertained, of all or any Part of the respective Charges and Expences aforesaid, or the Charges of hedging, ditching, or fencing his, her, or their Shares or Allotments within the Time to be limited by the said Commissioners, to such Person or Persons as they the said Commissioners, or any Two of them, shall appoint to receive the same, then the said Commissioners, or any Two of them, shall and may from time to time, by Warrant or War-

For paying
the Expences
of the Act.

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rants under their Hands and Seals directed to any Person whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the Charges and Expences of such Distress and Sale.

To oblige
Proprietors to
accept Allot-
ments.

And be it further Enacted, That all and every the said Owners and Proprietors to whom any Allotment or Allotments shall be made in pursuance of this Act, shall and they are hereby required to accept his, her, and their respective Shares and Allotments within Twelve Calendar Months next after the Execution of the aforesaid Award or Instrument, and Notice given or caused to be given to him, her, or them in Writing by the said Commissioners, or any Two of them, for that Purpose; and in case any of the said Owners or Proprietors shall neglect or refuse to accept his, her, or their Allotments within the Time aforesaid, such of them so neglecting or refusing shall be and are hereby totally excluded from any Estate, Interest, or Right of Tithe, Common, or Property whatsoever in any of the Lands or Grounds assigned or allotted to any Person or Persons whatsoever by virtue of this Act.

Commission-
ers to fence
where Parties
neglect or
refuse.

And be it further Enacted, That in case any of the said Owners and Proprietors to whom any Allotment or Allotments shall be made in the said Lands and Grounds, shall neglect or refuse to accept or inclose, hedge, ditch, or fence his, her, or their Allotment or Allotments respectively within the Time aforesaid, or in the Manner directed by the said Commissioners, or any Two of them, as aforesaid, relating thereto, then and in all or any of the said Cases it shall be lawful for the said Commissioners, or any Two of them, by Warrant under their Hands and Seals, to cause such Sum or Sums of Money as they shall judge necessary for the Purposes last-mentioned to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to inclose, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, deducting thereout the Costs and Charges of making such Distress and Sale.

Act not to
prejudice
Wills or Set-
tlements.

Provided also, and it is hereby Enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, annul, or any Way affect any Settlement, Deed, Surrender, Will, or Lease whatsoever (except Leases at Rack Rent) or to prejudice any Person or Persons, Body Corporate

porate or Politick, having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Incumbrance, or other Claim or Demand out of, upon, or affecting any of the Lands and Grounds so intended to be inclosed as aforesaid, or any of the said ancient inclosed Lands, or any Part thereof; but that the Lands and Grounds so to be allotted and awarded shall, immediately after the making such Division, be, remain, and enure, and be held and enjoyed, and the several Proprietors to whom the same shall be assigned and allotted as aforesaid, shall from thenceforth stand and be seised and possessed thereof respectively; subject and liable to the same Uses, and to and for such and the same Wills, Leases (except Leases at Rack Rent) Powers, Provisoos, Limitations, Remainders, Trusts, Charges, Tenures, Rents, Services, Incumbrances, and Demands, as he, she, or they respectively should and would have stood seised or possessed of in his, her, or their Lands, Interest, or Property for or in respect whereof such Allotments shall be made, in case this Act had not been made; any Thing herein contained to the contrary notwithstanding.

And be it further Enacted, That from and after the Passing of this Act, and until such Divisions and Allotments shall be made as aforesaid, all the Tillage and other Lands lying in the said Fields and Grounds so to be divided and inclosed as aforesaid, and every or any Part thereof, shall be stocked with such Cattle, and sown with such Sorts of Corn and Grain, or fallowed and manured in such Place and Places by the respective Owner or Owners, Occupier or Occupiers thereof, in such Proportions, and shall in all Things be kept, ordered, and continued in such Course of Husbandry, as the said Commissioners, or any Two of them, shall by Writing or Writings under their Hands, to be affixed on the outward Door of the Chapel of *Liffett* aforesaid, in that Behalf order, direct, or appoint; any Law, Usage, or Custom to the contrary notwithstanding; and that no Meadow, Pasture, or Fresh Land in the said Fields and Grounds hereby intended to be divided and inclosed shall, after the Passing of this Act, and before such Division and Allotment, be ploughed or broke up, or converted into Tillage.

Commissioners may direct the Course of Husbandry.

And be it further Enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, then and in every such Case (except in such Cases where the Orders and Determinations of the said Commissioners are directed to be final) he, she, or they may appeal

Appeal to Quarter Sessions.

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to the General Quarter Sessions of the Peace which shall be held at *Beverley*, in the County of *York*, in and for the East Riding of the said County, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*, or elsewhere.

Saving the
Rights of the
Lord of the
Manor.

Provided always, and it is hereby Enacted and Declared, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *Jonathan Midgley*, as Lord of the said Manor, of, in, or to all the Royalties and Privileges incident or belonging to the said Manor; but that the Lord of the said Manor for the Time being shall and may at all Times hereafter hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Franchises, Privileges, and all other Royalties, Rights, Privileges, and Appurtenances to the said Manor, or the Lord thereof for the Time being incident or belonging, in as full, ample, extensive, and beneficial a Manner as he could or might have held and enjoyed the same in case this Act had not been made, except such Right of Common and Interest in the Soil as could or might be claimed by such Lord in, over, and upon the Lands and Grounds intended to be inclosed by virtue of this Act.

General Sav-
ing.

Saving always to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the respective Persons to whom any Allotment or Allotments of Land or Compensation shall be made by virtue of this Act, in respect of the Interest or Property for which such Allotments and Compensation shall be made) all such Estate and Interest as they, every or any of them, had or enjoyed in the said Lands and Grounds before

before the Passing of this Act, or could or might have had or enjoyed in case the same had not been made; but no Person or Persons, Bodies Corporate or Politick, his, her, or their Heirs, Successors, Executors, or Administrators shall have Power to disturb any of the Allotments to be made by virtue of this Act, but shall accept the respective Allotments which shall be so made in Lieu of such Right or Interest as he, she, or they would have been intitled to in case this Act had not been made.

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ACT

FOR

Dividing and Inclosing the several
Open Arable Fields, Meadows,
Pastures, Carrs, and other Open
and Common Grounds within the
Township of *Lisset*, in the Parish
of *Beesfort* otherwise *Beaford*, in
the East Riding of the County of
York.

[1771.]

As Surveyed